



Dated: November 10, 2010 10:26:24

The following is ORDERED:

A handwritten signature in black ink, reading "Sarah A. Hall".

Sarah A Hall
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA

In re:)	
)	
MICHAEL L. CALLOWAY SR. And)	Case No. 09-16011-SAH
LILLIE E. CALLOWAY,)	Chapter 7
)	
Debtors.)	
)	
RED RIVER ROOFING AND)	
CONSTRUCTION, INC.,)	
)	
Plaintiff,)	
)	
v.)	ADV. No. 10-01043-SAH
)	
MICHAEL L. CALLOWAY, SR. AND)	
LILLIE E. CALLOWAY,)	
)	
Defendants.)	

JUDGMENT AND ORDER DENYING DISCHARGE
(11 U.S.C. § 727(a)(4))

This matter came on for hearing on October 27, 2010 pursuant to plaintiff Red River Roofing and Construction, Inc.'s summary judgment motion (adversary docket sheet item No. 27, filed

September 17, 2010) ("Motion"), and supporting appendix (adversary docket sheet item No. 28). Plaintiff's complaint (adversary docket sheet item No. 1) asserted claims against the debtors/defendants, Michael L. Calloway, Sr. and Lillie E. Calloway, under 11 U.S.C. §§ 727(a)(2), (a)(3), (a)(4) and (a)(5). Plaintiff's complaint also asserted claims under 11 U.S.C. §§ 523(a)(2) and (a)(6). In the Motion, plaintiff moved for summary judgment against both debtors/defendants on its claim under 11 U.S.C. § 727(a)(4) (i.e., false oath).

Plaintiff appeared at the hearing through counsel, David L. Nunn. Debtor/defendant Michael L. Calloway (only) filed a response (docket sheet item no. 38) and he (only) appeared at the hearing. The court announced "of record" detailed findings of facts and conclusions of law. In consideration of the Motion, Michael Calloway's response, the record and evidence before the court, and the events of the hearing, the court finds that the Motion should be, and is hereby, granted. Specifically, it is hereby ORDERED, ADJUDGED, AND DECREED, that pursuant to 11 U.S.C. § 727(a)(4), debtor/defendant Michael L. Calloway, Sr. and debtor/defendant Lillie E. Calloway, should be denied, and are hereby denied, their discharge under 11 U.S.C. § 727.

The court further finds that plaintiff's claims under 11 U.S.C. §§ 727(a)(2), (a)(3), and (a)(5), and 523(a)(2) and (a)(6), are mooted by the court's judgment in favor of plaintiff on its § 727(a)(4) claims and the denial of each debtor/defendant's discharge. Accordingly, this judgment and order is, and shall be deemed to be, a final judgment resolving all claims at issue in the case. (Any claim by plaintiff for attorney fees and/or costs are hereby reserved, and shall be asserted by the methods and within the times prescribed by Fed. R. Civ. P. 54(d)).

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Prepared by:

/s/ David L. Nunn
DAVID L. NUNN, OBA #14512

- Of the Firm -

DAVID L. NUNN, P.C.
PO Box 230
Edmond, OK 73083-0230
405-330-4053
405-330-8470 (fax)
ATTORNEY FOR PLAINTIFF